GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2602
ANSWERED ON:08.08.2003
RECONSTITUTION OF LAW COMMISSION
GADDE RAMAMOHAN;M.V.V.S MURTHI

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) Whether the Government have taken a decision to reconstitute the Law Commission;

(b)if so, the details thereof alongwith the reasons therefor;

(c)the terms and reference of new Commission;

(d)the main recommendations made by the present Law Commission;

(e)the number of recommendations out of them accepted; and

(f)the reasons for not accepting all the recommendations?

Answer

MINISTER OF STATE FOR LAW & JUSTICE (SHRI P.C. THOMAS)

(a) Yes, Sir.

(b) It has been decided to constitute the 17th Law Commission for a period of three years from 1.9.2003 till 31.8.2006. The Law Commission makes important contribution towards the progressive development and codification of the laws of the country.

(c) The terms of reference of the Law Commission are:

1.Review/Repeal of obsolete laws:

(i) To identify laws which are no longer needed or relevant and can be immediately repealed.

(ii) To identify laws which are in harmony with the existing climate of economic liberalization which need no change.

(iii)To edentify laws which require changes or amendments and to make suggestions for their amendment.

(iv) To consider in a wider perspective the suggestions for revision/amendment given by Expert Groups in various Ministries/Departments with a view to coordinating and harmonizing them.

(v)To consider references made to it by Ministries/Departments in respect of legislation having bearing on the working of more than one Ministry/Department.

(vi) To suggest suitable measures for quick redressal of citizens grievances, in the field of law.

2.Law and Poverty:

(i) To examine the Law which affect the poor and carry out post-audit for socio-economic legislation.

(ii)To take all such measures as may be necessary to harness law and the legal process in the service of the poor.

3.To keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure:

(i) Elimination of delays, speedy clearance of arrears and reduction in costs so as to secure quick and economical disposal of cases without affecting the cardinal principle that decisions should be just and fair.

(ii) Simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an end in itself

but as a means of achieving justice.

(iii)Improvement of standards of all concerned with the administration of justice.

4.To examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reform and also to suggest such legislation as might be necessary to implement the Directive Principles and to attain the objective set out in the Preamble to the Constitution.

5. To revise the Central Acts of General Importance so as to simplify them and to remove anomalies, ambiguities and inequities.

6. To recommend to the Government measure for bringing the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.

7. To consider and to convey to the Government its views on any subject relating to law and judicial administration that may be referred to it by the Government through Ministry of Law and Justice (Department of Legal Affairs)

(d) The present Law Commission has so far submitted eleven Reports which are as follows:

1. 175th - The Foreigners (Amendment) Bill, 2000

2. 176th - The Arbitration And Conciliation (Amendment), Bill 2001

3. 177th - Law Relating to Arrest

4. 178th - Recommendations for Amending Various Enactments, both Civil and Criminal

5. 179th - Public Interest Disclosure and Protection of Informers

6. 180th - Article 20(3) of the Constitution of India and Right to Silence

7 181st - Amendment to Section 106 of the Transfer of Property Act, 1882

8. 182nd - Amendment to Section 6 of the Land Acquisition Act, 1894

9. 183rd - A Continuum on the General Clauses Act, 1897 with special reference to the admissibility and codification of external aids to interpretation of statues

10. 184th - Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, 1961 and the University Grant Commission Act, 1956

11. 185th - Review of the Indian Evidence Act, 1872

(e) & (f) The reports have been forwarded to the concerned Administrative Ministries/Departments for examination/implementation. The examination/implementation of Law Commission Reports is a continuous and ongoing process. The concerned administrative Ministry/Department takes final decision on a Law Commission Report.